

PTO/SB/96 (09-04)

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REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)  
CP215

In re Application of: Jacobs

Application No. 09/975,350

Filed: October 11, 2001

For: COMPOSITIONS COMPRISING MODAFINIL COMPOUNDS

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The owner, Cephalon, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,489,363 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
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2. ☒ The undersigned is an attorney of record. Reg. No. 52,242

Signature

January 4, 2006

Date

Todd Spradau

Typed or printed name

610-883-5679

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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